

## § 88.15

### LITTLE CALUMET RIVER

- (71) Mile 321.2
- (73) Mile 322.3

### CALUMET RIVER

- (81) Mile 328.5 to 328.7
- (83) Mile 329.2 to 329.4
- (85) Mile 330 west bank to 330.2
- (87) Mile 331.4 to 331.6
- (89) Mile 332.2 to 332.4
- (91) Mile 332.6 to 332.8

### CUMBERLAND RIVER

- (101) Mile 126.8
- (103) Mile 191

[CGD 80-158, 47 FR 16175, Apr. 15, 1982, as amended by CGD 94-011, 63 FR 5732, Feb. 4, 1998]

## § 88.15 Lights on dredge pipelines.

Dredge pipelines that are floating or supported on trestles shall display the following lights at night and in periods of restricted visibility.

(a) One row of yellow lights. The lights must be:

- (1) Flashing 50 to 70 times per minute,
- (2) Visible all around the horizon,
- (3) Visible for at least 2 miles on a clear dark night,
- (4) Not less than 1 and not more than 3.5 meters above the water,
- (5) Approximately equally spaced, and
- (6) Not more than 10 meters apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(b) Two red lights at each end of the pipeline, including the ends in a channel where the pipeline is separated to allow vessels to pass (whether open or closed). The lights must be:

- (1) Visible all around the horizon, and
- (2) Visible for at least 2 miles on a clear dark night, and
- (3) One meter apart in a vertical line with the lower light at the same height above the water as the flashing yellow light.

## Subchapter E

## PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

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AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

SOURCE: CGD 80-157, 47 FR 13801, Apr. 1, 1982, unless otherwise noted.

### Subpart A—Certificate of Alternative Compliance

#### § 89.1 Definitions.

As used in this subpart:

*Inland Rules* refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591) and the technical annexes established under that act.

*A vessel of special construction or purpose* means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

*Interference with the special function of the vessel* occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982, as amended by CGD 83-028, 49 FR 33876, Aug. 27, 1984]

**§ 89.3 General.**

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and record-keeping requirements in §§ 89.5 and 89.18 have been approved by the Office of Management and Budget under OMB control number 2115-0074.

**§ 89.5 Application for a Certificate of Alternative Compliance.**

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The identification of the vessel by its:
  - (i) Official number;
  - (ii) Shipyard hull number;
  - (iii) Hull identification number; or
  - (iv) State number, if the vessel does not have an official number or hull identification number.
- (3) Vessel name and home port, if known.
- (4) A description of the vessel's area of operation.
- (5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:
  - (i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

(i) The required installation of the equipment under the Inland Rules,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in:

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982; 47 FR 18332, Apr. 29, 1982]

**§ 89.9 Certificate of Alternative Compliance: Contents.**

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes:

(a) Identification of the vessel as supplied in the application under § 89.5(a)(2);

(b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

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(f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

### § 89.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

### § 89.18 Record of certification of vessels of special construction or purpose.

(a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at the offices of Assistant Commandant for Marine Safety and Environmental Protection, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

[CGD 80-187, 47 FR 13801, Apr. 1, 1982, as amended by CGD 88-052, 53 FR 25120, July 1, 1988; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997]

## Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

### § 89.21 Purpose.

Inland Navigation Rules 9(a)(ii), 14(d), and 15(b) apply to the Great Lakes, and along with 24(i), apply on the “Western Rivers” as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation

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Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

[CGD 85-081, 51 FR 4592, Feb. 6, 1986]

### § 89.23 Definitions.

As used in this subpart:

*Inland Rules* refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001 et. seq.) and the technical annexes established under that Act.

[CGD 83-028, 49 FR 33876, Aug. 27, 1984]

### § 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), and 15(b) apply.

Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, the Western Rivers, and the following specified waters:

- (a) Tennessee-Tombigbee Waterway.
- (b) Tombigbee River.
- (c) Black Warrior River.
- (d) Alabama River.
- (e) Coosa River.
- (f) Mobile River above the Cochrane Bridge at St. Louis Point.
- (g) Flint River.
- (h) Chattahoochee River.
- (i) The Apalachicola River above its confluence with the Jackson River.

[CGD 91-050, 58 FR 27625, May 10, 1993]

### § 89.27 Waters upon which Inland Rule 24(i) applies.

(a) Inland Rule 24(i) applies on the Western Rivers and the specified waters listed in § 89.25 (a) through (i).

(b) Inland Rule 24(i) applies on the Gulf Intracoastal Waterway from St. Marks, Florida, to the Rio Grande, Texas, including the Morgan City-Port Allen Alternate Route and the Galveston-Freeport Cutoff, except that a power-driven vessel pushing ahead or towing alongside shall exhibit the lights required by Inland Rule 24(c), while transiting within the following areas:

(1) St. Andrews Bay from the Hathaway Fixed Bridge at Mile 284.6 East of Harvey Locks (EHL) to the DuPont Fixed Bridge at Mile 295.4 EHL.

(2) Pensacola Bay, Santa Rosa Sound and Big Lagoon from the Light “10” off of Trout Point at Mile 176.9 EHL to the Pensacola Fixed Bridge at Mile 189.1 EHL.

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(3) Mobile Bay and Bon Secour Bay from the Dauphin Island Causeway Fixed Bridge at Mile 127.7 EHL to Little Point Clear at Mile 140 EHL.

(4) Mississippi Sound from Grand Island Waterway Light "1" at Mile 53.8 EHL to Light "40" off the West Point of Dauphin Island at Mile 118.7 EHL.

(5) The Mississippi River at New Orleans, Mississippi River-Gulf Outlet Canal and the Inner Harbor Navigation Canal from the junction of the Harvey Canal and the Algiers Alternate Route at Mile 6.5 West of Harvey Locks (WHL) to the Michoud Canal at Mile 18 EHL.

(6) The Calcasieu River from the Calcasieu Lock at Mile 238.6 WHL to the Ellender Lift Bridge at Mile 243.6 WHL.

(7) The Sabine Neches Canal from mile 262.5 WHL to mile 291.5 WHL.

(8) Bolivar Roads from the Bolivar Assembling Basin at Mile 346 WHL to the Galveston Causeway Bridge at Mile 357.3 WHL.

(9) Freeport Harbor from Surfside Beach Fixed Bridge at Mile 393.8 WHL to the Bryan Beach Pontoon Bridge at Mile 397.6 WHL.

(10) Matagorda Ship Channel area of Matagorda Bay from Range "K" Front Light at Mile 468.7 WHL to the Port O'Connor Jetty at Mile 472.2 WHL.

(11) Corpus Christi Bay from Redfish Bay Day Beacon "55" at Mile 537.4 WHL when in the Gulf Intracoastal Waterway main route or from the north end of Lydia Ann Island Mile 531.1A when in the Gulf Intracoastal Waterway Alternate Route to Corpus Christi Bay LT 76 at Mile 543.7 WHL.

(12) Port Isabel and Brownsville Ship Channel south of the Padre Island Causeway Fixed Bridge at Mile 665.1 WHL.

[CGD 91-050, 58 FR 27625, May 10, 1993]

### PART 90—INLAND RULES: INTERPRETATIVE RULES

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90.1 Purpose.

90.3 Pushing vessel and vessel being pushed: Composite unit.

90.5 Lights for moored vessels.

90.7 Sidelights for unmanned barges.

AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

SOURCE: CGD 83-011, 48 FR 51622, Nov. 10, 1983, unless otherwise noted.

#### § 90.1 Purpose.

This part contains the interpretative rules for the Inland Rules. These interpretative rules are intended as a guide to assist the public and promote compliance with the Inland Rules.

#### § 90.3 Pushing vessel and vessel being pushed: Composite unit.

Rule 24(b) of the Inland Rules states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights prescribed in Rule 23. A "composite unit" is interpreted to be the combination of a pushing vessel and a vessel being pushed ahead that are rigidly connected by mechanical means so they react to sea and swell as one vessel. Mechanical means does not include lines, wires, hawsers, or chains.

#### § 90.5 Lights for moored vessels.

A *vessel at anchor* includes a vessel made fast to one or more mooring buoys or other similar device attached to the ocean floor. Such vessels may be lighted as a vessel at anchor in accordance with Rule 30, or may be lighted on the corners in accordance with 33 CFR 88.13.

[CGD 94-011, 63 FR 5732, Feb. 4, 1998]

#### § 90.7 Sidelights for unmanned barges.

An unmanned barge being towed may use the exception of COLREGS Rule 24(h). However, this exception only applies to the vertical sector requirements for sidelights.

[CGD 94-011, 63 FR 5732, Feb. 4, 1998]